

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 3:00CR24-02
(Judge Bailey)**

ARTHUR LEE HAIRSTON, JR.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge David J. Joel, dated July 6, 2007. Neither party filed objections to the Report and Recommendation. Therefore, after reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** as follows:

- 1) The Defendant's Supervised Release is **REVOKED**;
- 2) The Defendant is hereby sentenced to nine (9) months in the Custody of the Bureau of Prisons, with no period of supervised release to follow;
- 3) The Court makes the following recommendations to the Bureau of Prisons:
 - a. That the Bureau of Prisons evaluate the Defendant's

time served in jail since February 27, 2007, and give the Defendant all appropriate credit for time served;

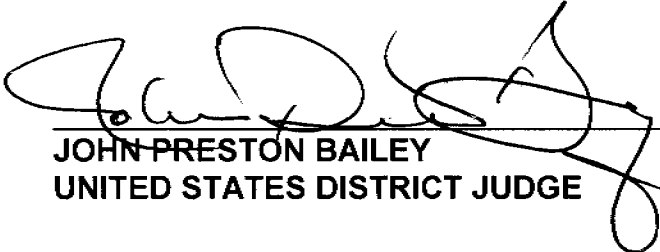
- b. That the Defendant be incarcerated in Morgantown, West Virginia; and
- c. That the Defendant participate in any available drug treatment programs while in the custody of the Bureau of Prisons.

A Judgment and Committal order shall follow.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the Defendant and all counsel of record herein.

DATED: July 23, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE